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Remarks/Arguments

Applicants respectfully traverse and request reconsideration of all rejections in the Office Action mailed on February 24, 2006.

I. Claim Rejections – 35 U.S.C. §112, First and Second Paragraphs

The Examiner rejected claims 1 - 4 on the grounds of 35 U.S.C. section 112, first paragraph, and 35 U.S.C. section 112, second paragraph, on the basis that Applicants' last amendment on November 22, 2005 added new matter to independent claims 1 and 3, consisting of limitations pertaining to "polar and neutral," "polar and acidic," and "hydrophobic." Applicants have amended claims 1 and 3 to delete this material. Applicants have also made amendments to these claims to overcome the Examiner's previous rejections, as set forth in the Office Action of May 23, 2005, to the extent that those rejections were not withdrawn in the Office Action of February 24, 2006. Applicants believe that the amended claims and the new claims that have been added are allowable.

Claim 1 has been amended to require that the ligand have the chemical structure of cXGXGXc, as was required in claim 1 as originally filed, but has also been amended to further limit "X" to L-amino acids. This claim is supported by Example 1 in the specification (page 9, lines 18-20), which states that the peptide library used in Example 1 consisted of compounds of the formula cXXXXXXc, where X was an L-amino acid. Claim 1 as amended is narrower than the library used in Example 1 in that claim 1 requires that the third and fifth positions are G, rather than any L-amino acid. Claim 1 is allowable.

Claim 2, which depends from claim 1, now includes the amendments to claim 1, and is therefore allowable. Support for claim 2 is in Example 2 of the specification (page 12, lines 10-17), which states that ovarian cancer cells were used with the peptide library of Example 1.

New claim 10 depends from claim 1, and is limited to a single ligand. Support for this claim is in Example 2 of the specification (page 12, line 17), where this ligand is specifically identified. Claim 10 is therefore allowable.

New claim 11 is based on claim 1 as originally filed (which required that the library have the chemical structure of $cXGXGXc$), but is further limited in that it requires that the ligand have a chemical structure of $cX_2GX_4GX_6X_7c$, where X_2 , X_4 , X_6 , and X_7 are further limited to specific amino acids. This claim is supported by Example 3 of the specification (page 12, line 20 – page 13, line 8), which states that the peptide library used in Example 3 consisted of compounds of the formula $cX_2GX_4GX_6X_7c$, where the amino acids at X_2 , X_4 , X_6 , and X_7 are the specific amino acids listed in Example 3. Claim 11 is limited to those specific amino acids and is therefore allowable.

New claim 12 depends from claim 11 and is limited to a single ligand. Support for this claim is in Example 4 of the specification (page 15, line 4), where this ligand is specifically identified. Claim 11 is therefore allowable.

Claim 3 has been amended to further limit the structure of the ligand. As originally filed, claim 3 required that the ligand have the structure of $cXGXGXc$. As amended, claim 3 is now further limited in that it requires the ligand to have the chemical structure of $cX_2GX_4GX_6X_7c$, where X_2 , X_4 , X_6 , and X_7 are further limited to specific amino acids. This claim is supported by Example 5 of the specification (page 15, lines 9-20) which states that the peptide library used in Example 5 was the same library as Example 3, which is stated to consist of compounds of the formula $cX_2GX_4GX_6X_7c$, where the amino acids at X_2 , X_4 , X_6 , and X_7 are the specific amino acids listed in Example 3 (see Example 3, page 12, line 20 – page 13, line 8). Claim 3 as amended is limited to those specific amino acids and is therefore allowable.

Claim 4, which depends from claim 3, includes the amendments to claim 3 and is therefore allowable. Support for claim 4 is in Example 5 of the specification (page 15, lines 9-14), which indicates that brain cancer cells were used.

New claims 13 and 14 each depend from claim 3, and are each limited to a single ligand. Support for these claims is in Example 5 of the specification (page 15, line 18), where these ligands are specifically identified. Claims 13 and 14 are allowable.

II. Double Patenting

Claims 1-4 have been rejected on obviousness-type double patenting over claims 1 and 8 of United States patent no. 6,670,142. The Examiner states that a terminal disclaimer may be used to overcome the rejection if the '142 patent and this application are commonly owned.

The '142 patent and this application are commonly owned, as both are assigned to The Regents of the University of California. Applicants will file a terminal disclaimer in this application after the rejections of the pending claims on other grounds have been resolved.

III. Cancellation of Nonelected Claims

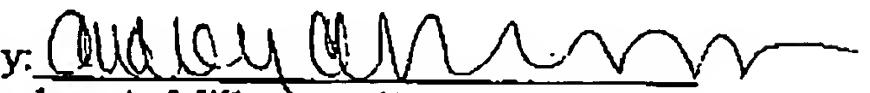
The Examiner has requested that Applicants cancel the nonelected claims. Accordingly, Applicants have canceled claims 5 - 9 without prejudice to submitting these claims in a later divisional application.

IV. Conclusion

Applicants respectfully request that the Examiner pass this case to issue. If the Examiner believes that issues remain outstanding or new ones have been generated, Applicants request the Examiner telephone Applicants' attorney to address and resolve those issues.

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Respectfully submitted,

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